

HLD-51 (December 2007)

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 07-4025

JOHNSTOWN POLICE COP KANUCH

vs.

CHANDAN S. VORA,
Appellant

On Appeal From the United States District Court
For the Western District of Pennsylvania
(D.C. Civ. No. 07-cv-00207)
District Judge: Honorable Gustave Diamond

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)
Or Possible Summary Action Under Third Circuit L.A.R. 27.4 and I.O.P. 10.6.
December 21, 2007
BEFORE: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges
(Filed: February 12, 2008)

OPINION

PER CURIAM.

Chandan S. Vora appeals the order of the United States District Court for the Western District of Pennsylvania dismissing pursuant to 28 U.S.C. § 1915(e)(2)(B),

her “notice of removal” of criminal citations issued by the Johnstown Police Department.

In August 2007, Vora filed a “petition for removal” seeking to remove a police complaint charging her with various traffic citations and making false reports to law enforcement authorities. As she has claimed in the past, Vora blames the City of Johnstown Police Department, Officer Kanuch, and other city officials for discriminating against her on account of her religious and ethnic background by subjecting her to malicious prosecution on trumped-up charges.

The District Court dismissed the petition under 28 U.S.C. § 1915(e)(2)(B), holding that the “Notice of Removal” sought to attack state court proceedings over which the District Court had no jurisdiction and otherwise failed to state a claim. Vora filed a motion to vacate, which the District Court treated as a motion for reconsideration and denied. This timely appeal followed.

Vora has been granted leave to proceed in forma pauperis on appeal. Because her appeal lacks arguable merit, we will dismiss it pursuant to § 1915(e)(2)(B)(I). See Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000).

After reviewing Vora’s District Court pleadings and notice of appeal, we conclude that her “petition for removal” was correctly dismissed. We construe the petition as seeking removal under the civil rights removal statute, 28 U.S.C. § 1443, because Vora alleges that the traffic citation and the criminal complaints are part of a larger conspiracy by all city personnel to violate her civil rights. The civil rights removal

statute applies only to the removal of state court proceedings. Id.; see also 28 U.S.C. § 1447(a). Here, Vora was ordered to appear in a proceeding before a district justice on a traffic citation and various criminal violations. Even if we assume arguendo that the civil rights removal statute applies to the traffic citation and the criminal complaints that Vora seeks to remove, Vora's rambling, generalized, and unsupported allegations do not meet the specific criteria for § 1443 removal. See City of Greenwood v. Peacock, 384 U.S. 808, 827 (1966); Ronan v. Stone, 396 F.2d 502, 503 (1st Cir. 1968). Similarly, Vora's unsupported allegations would not suffice to state a claim under § 1983, were the "petition for removal" viewed as a complaint. We discern no abuse of discretion by the District Court in denying Vora's motion for reconsideration.

Having found no legal merit to this cause, we will dismiss the appeal pursuant to 28 U.S.C. § 1915(e)(2)(B).